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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BIKASH MOHAN MOHANTY, On Behalf of )  
Himself and All Others Similarly Situated, )  
  
Plaintiff, )  
  
v. )  
  
BIGBAND NETWORKS, INC., AMIR )  
BASSAN-EZKENAZI, RAN OZ, FREDERICK )  
BALL, GAL ISRAELY, DEAN GILBERT, )  
KEN GOLDMAN, LLOYD CARNEY, BRUCE )  
SACHS, ROBERT SACHS, GEOFFREY )  
YANG, MORGAN STANLEY & CO., INC., )  
MERRILL LYNCH, PIERCE, FENNER & )  
SMITH, INC., JEFFERIES & CO., INC., )  
COWEN AND CO., INC., AND )  
THINKEQUITY PARTNERS LLC )  
  
Defendants. )

Case No. 3:07-CV-05101-SBA  
  
**STIPULATION AND ORDER  
REGARDING CONSOLIDATION  
AND SCHEDULING**

1 DENNIS KOESTERER, On Behalf of Himself )  
and All Others Similarly Situated, )  
2 )  
Plaintiff, )  
3 )  
v. )  
4 )  
BIGBAND NETWORKS, INC., AMIR )  
5 BASSAN-EZKENAZI, FREDERICK A. BALL, )  
RAN OZ, LLOYD CARNEY, DEAN )  
6 GILBERT, KEN GOLDMAN, GAL ISRAELY, )  
BRUCH SACHS, ROBERT SACHS, and )  
7 GEOFFREY YANG )  
8 Defendants. )

Case No. 3:07-CV-05168-MMC

9 ABRENA WINSTON, Individually and On )  
Behalf of All Others Similarly Situated, )  
10 )  
Plaintiff, )  
11 )  
v. )  
12 )  
BIGBAND NETWORKS, INC., AMIR )  
13 BASSAN-EZKENAZI, RAN OZ, )  
FREDERICK BALL, GAL ISRAELY, DEAN )  
14 GILBERT, KEN GOLDMAN, LLOYD )  
CARNEY, BRUCE SACHS, ROBERT )  
15 SACHS, GEOFFREY YANG, MERRILL )  
LYNCH, PIERCE, FENNER & SMITH, INC., )  
16 MORGAN STANLEY & CO., INC., COWEN )  
AND CO., JEFFERIES & CO., and )  
17 THINKEQUITY PARTNERS LLC )  
18 Defendants. )

Case No. 3:07-CV-05327-MMC

19 DONALD SMITH, On Behalf of Himself and )  
All Others Similarly Situated, )  
20 )  
Plaintiff, )  
21 )  
v. )  
22 )  
BIGBAND NETWORKS, INC., AMIR )  
23 BASSAN-EZKENAZI, and FREDERICK A. )  
BALL )  
24 Defendants. )  
25 )

Case No. 3:07-CV-05361-SI

1 WAYNE LUZON, On Behalf of Himself and All )  
Others Similarly Situated, )

2 )  
3 Plaintiff, )  
4 )

5 v. )  
6 )

7 BIGBAND NETWORKS, INC., AMIR BASSAN- )  
EZKENAZI, RAN OZ, FREDERICK BALL, GAL )  
ISRAELY, DEAN GILBERT, KEN GOLDMAN, )  
8 LLOYD CARNEY, BRUCE SACHS, ROBERT )  
SACHS, GEOFFREY YANG, MORGAN )  
9 STANLEY & CO., INC., MERRILL LYNCH, )  
PIERCE, FENNER & SMITH, INC., JEFFERIES )  
& CO., INC., COWEN AND CO., INC., and )  
THINKEQUITY PARTNERS LLC )

10 Defendants. )  
11 )

12 DEBRA L. BERNSTEIN, Individually and On )  
Behalf of All Others Similarly Situated, )

13 Plaintiff, )  
14 )

15 v. )  
16 )

17 BIGBAND NETWORKS, INC., AMIR BASSAN- )  
EZKENAZI, RAN OZ, FREDERICK A. BALL, )  
18 GAL ISRAELY, DEAN GILBERT, KENNETH E. )  
GOLDMAN, LLOYD CARNEY, BRUCE I. )  
19 SACHS, ROBERT J. SACHS, GEOFFREY Y. )  
YANG, MORGAN STANLEY & CO. )  
INCORPORATED, JEFFERIES & COMPANY, )  
20 INC., MERRILL LYNCH, PIERCE, FENNER & )  
SMITH INCORPORATED, COWEN AND )  
COMPANY LLC, and THINKEQUITY )  
PARTNERS LLC, )

21 Defendants. )  
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Case No. 3:07-CV-05637-WHA

Case No. 07-05819 CRB

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EUGENE L. HAMMER, On Behalf of Himself  
and All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
BIGBAND NETWORKS, INC., AMIR BASSAN-  
EZKENAZI, RAN OZ, FREDERICK A. BALL,  
RAN OZ, LLOYD CARNEY, DEAN GILBERT,  
KEN GOLDMAN, GAL ISRAELY, BRUCE I.  
SACHS, ROBERT J. SACHS and GEOFFREY Y.  
YANG,  
  
Defendants.

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Case No. 07-5825-MHP

1 The parties hereby stipulate, and the Court hereby orders, as follows:

2 **CONSOLIDATION OF RELATED CASES**

3 1. The following actions are related cases:

- 4 • *Mohanty v. Bassan-Eskenazki et al.*, No. C 07-5101-SBA, filed 10/03/07;
- 5 • *Koesterer v. BigBand Networks, Inc., et al.*, No. C 07-5168-MMC, filed 10/09/07;
- 6 • *Winston v. BigBand Networks, Inc., et al.*, No. C 07-5327-JSW, filed 10/18/07;
- 7 • *Smith v. BigBand Networks, Inc., et al.*, No. C 07-5361-SI, filed 10/19/07;
- 8 • *Luzon v. BigBand Networks, Inc., et al.*, No. C 07-5637-WHA, filed 11/6/07;
- 9 • *Bernstein v. BigBand Networks, Inc., et al.*, No. C 07-05819-CRB, filed 11/15/07; and
- 10 • *Hammer v. BigBand Networks, Inc., et al.*, No. C 07-5825-MHP, filed 11/16/07.

11 Pursuant to Federal Rules of Civil Procedure 42(a), these cases are hereby consolidated  
12 into Civil Action No. 07-cv-5101-SBA, for all purposes, including pretrial proceedings, trial, and  
13 appeal. The consolidated action shall be captioned: “*In re BigBand Networks, Inc. Securities*  
14 *Litigation.*”

15 2. Undersigned counsel for BigBand Networks, Inc., Amir Bassan-Eskenazi, Ran  
16 Oz, Frederick Ball, Gal Israely, Dean Gilbert, Ken Goldman, Lloyd Carney, Bruce Sachs, Robert  
17 Sachs, Geoffrey Yang, and undersigned counsel for Morgan Stanley & Co., Inc., Merrill Lynch,  
18 Pierce, Fenner & Smith Incorporated, Jefferies & Company, Inc., Cowen and Company, LLC,  
19 and ThinkEquity Partners LLC (all collectively, “Defendants”) are authorized to accept, and  
20 hereby accept, service of all complaints and summonses in the above-captioned matters pursuant  
21 to Federal Rule of Civil Procedure 4(d).

22 3. All related actions that are subsequently filed in, or transferred to, this District  
23 shall be consolidated into this action for pretrial purposes. This Order shall apply to every such  
24 related action, absent order of the Court. A party that objects to such consolidation, or to any  
25 other provision of this Order, must file an application for relief from this Order within thirty (30)  
26 days after the date on which a copy of the order is served on the party’s counsel.

27 4. This Order is entered without prejudice to the rights of any party to apply for  
28 severance of any claim or action, for good cause shown.

**MASTER DOCKET AND CAPTION**

5. The docket in Civil Action No. 07-cv-5101-SBA shall constitute the Master Docket for this action.

6. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

In re BIGBAND NETWORKS, INC.	)	Master File No. 07-cv-5101-SBA
SECURITIES LITIGATION	)	

<hr/>	)	<u>CLASS ACTION</u>
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This Document Relates To:	)	
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7. The file in Case No. 07-cv-5101-SBA shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Documents Relates To". When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase "This Documents Relates To", the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.

8. The parties shall file a notice of related cases whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendants in the new case; and
- d. make the appropriate entry in the Master Docket.

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1 that Defendants elect to serve plaintiffs' counsel, other than Lead Plaintiff's Counsel, they may  
2 do so by first class mail, unless otherwise agreed upon by the parties.

3 IT IS SO STIPULATED.

4 Dated: November 15, 2007

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*Additional counsel for Plaintiff Bikash Mohan Mohanty*

19 Dated: November 15, 2007

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*Counsel for Plaintiff Dennis Koesterer*



1 Dated: November 16, 2007

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7 *Counsel for Plaintiff Abrena Winston*

8 Dated: November 15, 2007

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18 *Counsel for Plaintiff Donald Smith*

19 Dated: November 14, 2007

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20 By: /s/ Mark Punzalan

21 Mark Punzalan

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25 *Counsel for Plaintiff Wayne Luzon*

1 Dated: November 16, 2007

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7 *Counsel for Plaintiff Debra L. Bernstein*

8 Dated: November 20, 2007

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18 *Counsel for Plaintiff Eugene L. Hammer*

19 Dated: November 14, 2007

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Professional Corporation

20 By: /s/ Keith Eggleton

Keith Eggleton

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26 *Counsel for Defendants BigBand Networks, Inc.,*  
27 *Amir Bassan-Eskenazi, Ran Oz, Frederick Ball,*  
*Gal Israely, Dean Gilbert, Ken Goldman, Lloyd*  
28 *Carney, Bruce Sachs, Robert Sachs and Geoffrey*  
*Yang*

1 Dated: November 15, 2007

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11 *Counsel for Defendants Morgan Stanley & Co.,*  
12 *Inc., Merrill Lynch, Pierce, Fenner & Smith*  
13 *Incorporated, Jefferies & Company, Inc., Cowen*  
14 *and Company, LLC and ThinkEquity Partners LLC*

15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17  
18  
19 2/13/08



20 The Honorable Sandra B. Armstrong  
21 United States District Judge

1 ATTESTATION

2 I, Joni Ostler, am the ECF User whose identification and password are being used to file  
3 this STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION AND  
4 SCHEDULING. In compliance with General Order 45.X.B, I hereby attest that the above-listed  
5 counsel, Reed Kathrein, Stephen L. Porter, Alan R. Plutzik, Nicholas J. Licato, Mark Punzalan,  
6 Lester R. Hooker, Laurence D. King, Keith Eggleton and Michael C. Tu, have all concurred in  
7 this filing.  
8

9 Dated: November 21, 2007

WILSON SONSINI GOODRICH & ROSATI

11 By: /s/ Joni Ostler

12 Joni Ostler  
13 650 Page Mill Road  
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16 Fax: (650) 493-6811  
17 Email: jostler@wsgr.com

18 *Counsel for Defendants BigBand Networks, Inc.,*  
19 *Amir Bassan-Eskenazi, Ran Oz, Frederick Ball,*  
20 *Gal Israely, Dean Gilbert, Ken Goldman, Lloyd*  
21 *Carney, Bruce Sachs, Robert Sachs and Geoffrey*  
22 *Yang*  
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1 **CERTIFICATE OF SERVICE**

2

3 I, Rosemarie Dean, declare:

4 I am employed in Santa Clara County, State of California. I am over the age of 18 years  
5 and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati,  
6 650 Page Mill Road, Palo Alto, California 94304-1050.

7 On this date, I served:

8 **STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION AND  
9 SCHEDULING**

10 ☒ By e-mail transmission on that date. This document was transmitted via e-mail to  
the following e-mail addresses as set forth below:

11 Michael C. Tu  
12 Orrick Herrington & Sutcliffe LLP  
13 777 South Figueroa Street, Suite 3200  
14 Los Angeles, CA 90017-5855  
Telephone: (213) 629-2020  
Facsimile: (213) 612-2499  
E-mail: mtu@orrick.com

15

16 I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and  
17 processing of documents for delivery according to instructions indicated above. In the ordinary  
18 course of business, documents would be handled accordingly.

19

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct. Executed at Palo Alto, California on November 21, 2007.

22 /s/ Rosemarie Dean  
23 Rosemarie Dean